THE CHILD IN COURT*

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A RECENT *New York Times* review of "The Thief in the White Collar" reported that this volume throws new light into the dark corners of middle-class and upper-class dishonesty in money matters; it is estimated that members of these groups will steal more than one billion dollars during 1960. Incidentally, this sum, according to Federal Bureau of Investigation figures, is more than that stolen in 1957 by the nation's burglars, pickpockets, stick-up men and auto thieves. Yet public interest and fear centers almost exclusively on the latter group.

In similar fashion, divorced parents are regarded as the overt offenders against their children—although the evidence is clear that the vast majority of children who become delinquent, disturbed or mentally ill are *not* children of divorced parents.

Let me immediately make clear that of the thousands of neglected and delinquent children whose cases I have heard, little more than a handful come from homes where two parents love one another and their child. The exceptional instances occur generally where there is an organic brain injury, serious mental retardation or some other tragic physical basis for deviant behavior.

The vast majority of our troubled and troubling children come from homes in which parents have failed to develop an on-going, meaningful, loving and happy relationship in marriage. However, as Judge Alexander of Toledo has said, where there is a divorce it is really little more than the formal tombstone erected by the court over the grave of a dead marriage.

Perhaps it is easier, and more comfortable for those who are not divorced or even the general community, to take a single institution such as divorce and hold it responsible for the family problems of America, than to probe beneath the surface. That, however, is not our purpose in meeting here tonight and I believe you wish to take a hard

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look at the facts as one sees them in the Children's Court.

In speaking of the children who appear before our Court I speak inevitably, for the most part, of our less privileged children. Those who come from families in higher economic brackets are rarely brought before us. These are referred to social agencies, to boarding schools, or to psychiatrists. Later they may become ill or anti-social in such overt fashion as to be known to courts or hospitals, but they are generally shielded from the courts while they are young. This does not mean that their problems, like those of the children who come before the Court, do not stem in large part from failures within the family. To the extent that such children are shielded from the temptations, the pressures, and all the ugliness of our slum and ghetto areas, their problems are even more likely to be family-centered than those of children whom the community, as well as the family, has failed.

In the Children's Courts, where we see a cross-section of the severely troubled and seriously troubling children of our community, we have found that only about 25 per cent come from homes in which they are living with their two natural parents. Nor even in this group, where there are two parents, is one likely to find a really good marriage. The lack of two parents is generally not due to divorce. Death, illness, separation, and abandonment by the father are the chief explanations for the absence of at least one parent. Behind these explanations we repeatedly find parents who are uneducated, poorly adjusted, having themselves had an unhappy family history, emotionally disturbed and incapable of good inter-personal relationships.

Too many of the children brought before the court coming from such inadequate and disturbed homes are anonymous, lost children unknown to anyone who can or will help them until trouble strikes violently or the children strike out. It is significant that a majority of the children brought before the Court as neglected, are brought before they are 12 years of age by some relative, friend, police officer or agency who seeks help for them. In contrast, the vast majority of children charged with delinquency are over 12. Yet as one reads their family histories they are found to be all but identical except for one factor: no one knew or cared enough to act on behalf of the delinquent child until he committed a delinquent act.

This similarity is reflected again in a fascinating study by Professor Chein among three groups of young people: young criminals, youthful

drug addicts, and youthful schizophrenics. Here, too, he found similarity in family background among the three groups: a prevalence of poverty; defective family relationship; defective parental discipline, usually over-harsh and inconsistent; a history of vice and crime; and intellectual and emotional disturbance among family members. In turn, when he examined the young people themselves, he found important common factors that included: fear of the real world, awareness of low family status, no sense of personal worth and discouragement as to the future.

These young people were saying in one way or another: "I don't know what to do." "I'm no good." "I can't succeed." They had either struck out against or withdrawn from what seemed to them a hostile world in which they had neither place nor promise.

Each of us as human beings feels the need at school, at work, and in our social or communal life to be someone in the eyes of schoolmates, fellow workers, or associates. When we fail in this there is a sense of something wrong or that we are diminished—"inferior". This may not be verbalized, it may not be consciously recognized, but surely there is a lack of self-confidence, in the absence of a sense of acceptance or achievement. To achieve meaningful relations in these areas among acquaintances provides a sense of well-being.

However, we need not only this but also relationships in which we feel we are important to a smaller group—a group of friends, of colleagues, sometimes of a limited social grouping based on common aspirations, work, or day to day contacts. Here a sense of non-acceptance from the group of which one regards oneself as a natural part raises grave doubts about one's self, one's role, one's identity, which may not only isolate the individual, but reduce or immobilize him in many other areas of life.

In addition to the need for meaningful relations among acquaintances and the important relationships with those in either the smaller groups which we may call the natural groups or the groups we choose to live in, there is the central and very small number of relationships in which we feel the need of being essential to another human being. It is here, in the relationship between a man and woman, between parent and child, that each human being needs not only an intimate relationship but the sure feeling that one is a necessary and loved part of another's life. Perhaps without being aware, we also seek through such relationships within the family a sense of continuity with the past, the

promise of a form of immortality, and so a reason for living. In these relationships the assurances that stem from the past and promise to continue provide a base—a "home base" if you will, from which one can venture forth more bravely if one knows that the base will be there when one chooses to return.

In each of these areas of relationship, whether meaningful, important or essential, the individual builds his concept of himself, his sense of worth, in short, his image of himself.

When a child has not experienced such a relationship with father, mother or both, his image of himself, his faith, his will are often shattered. Whether or not his parents are divorced, the child has been divorced from the life-force that should come from his home.

Let me take, as an example, the case of 14 year old Ronald, who recently came before me on a petition by his mother that he was incorrigible, a truant and delinquent. Thrice placed in an institution earlier in life, he had each time run back to his mother's home only to face the question: why had he come back? Separated from her husband and working, his mother now brought him back for placement as a delinquent child because he would not go to school.

Ronald is a lean, wiry lad, rather glum and unsmiling—though he could be handsome. He holds himself aloof and seeks to conceal any feelings toward others. He will not speak of himself much, and seems to have little sense of relatedness to other children. He feels uncomfortable in large groups. In his play he avoids any organized group. When he truants he often idly walks the streets. He admits he feels like an outsider in the family. He feels "left out in the cold" by an older brother and sister. He has never known his father. The psychiatrist who studied the boy reports that the absence of the father throughout his entire life is undoubtedly contributing to the boy's maladjustment and adds that if the mother were willing to have him in the home, a special class placement and psychotherapy would be well worth trying. However, if the mother refuses to have him in the home, there is no alternative to further placement.

The mother refused and this child was again sent off, this time as a delinquent boy.

Experience has shown over and over again that when in the area where we seek the essential relationships, the child is deprived by the absence of either parent, the separation from one, the inadequacy of a

home in its real meaning, or is subjected to conflict between parents, there is not only emotional deprivation but also a lessening of his sense of continuity, his rootedness, his place in the world. Such children often lose the capacity to relate to others, either as children or later in adult relationships. Some developments in the larger world may throw light on our problem.

At this moment in World History we are witnessing a tremendous emotional response of Negroes in America to the emergence of the African peoples as members of the family of nations. In this one sees not only empathy for those who have suffered slavery, exploitation, and colonialism, though this is only part of the story. One also senses that this emergence of the peoples of Africa is doubly significant to Negroes whose ancestors had been brought from Africa and for whom Africa had provided no basis for a feeling of kinship among the peoples who had been taken from it and scattered abroad. Achievement of freedom, the redevelopment of African life, and the growing interest on the part of the outside world in African cultures have rushed in to fill a vacuum in the life of American Negroes removed by many generations from the soil of Africa.

From this ongoing search by peoples for their historic origin, their development, their sense of participation in the continuity of the human family, we have much to learn. From the need of children to feel and experience a sense of family continuity, of the worth of parents, of the love of both parents, and of the relationship between this need and their own sense of worth, new challenges arise. We should be able to see that it is not through law alone, but through individual and community values that we must find far more effective ways to give our children the sense of their own worth, especially where parents are unable to do so.

In our complex and changing world many parents are unable to provide the emotionally stable and sustaining home life that children need. Divorce, we know, means that a marriage has failed. It need not mean emotional divorce of the child from his parents. We must also face the fact that divorce of children from parental or communal concern and love spells doom for far too many of our children today. It is here that the community can play a significant role if it cares enough to do so.